

Notice of Allowability

Application No.

09/503,649

Examiner

Michael W. Hoye

Applicant(s)

BORDEN IV ET AL.

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Final Response - Filed on 7/09/2004.
2. ☒ The allowed claim(s) is/are 7-11 (Renumbered as 1-5).
3. ☒ The drawings filed on 2/9/2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 7-11 are allowed.

The following is an Examiner's statement of reasons for allowance: the prior art, alone or in combination, does not teach or fairly suggest the subject matter of the Applicants' claimed invention as described below.

As to claims 7-9, the most applicable art of record, the LaJoie (USPN 5,850,218) reference fails to teach or imply displaying program details for multiple programs corresponding to the channel identifier and time slots of the program appearing in the selection region. U.S. Patent No. 6,246,442 to Harada et al. discloses an apparatus for displaying information arranged in cells. As illustrated in Figure 9, program details for programs meeting certain attributes (such as channel identifier and time slot) are displayed along a display axis. Even though the overall arrangement resembles that disclosed in the instant application, program details are not displayed in accordance with what is appearing in a selection region. Harada's system simply provides a method for determining the appearance of a guide, which is not affected by what is appearing in a selection region of the guide. Harada's system fails to teach or suggest updating a program details area according to a program appearing in a selection region, or a selection region altogether. Therefore, the references fail to teach or disclose that which is noted above.

As to claims 10-11, the LaJoie reference does not disclose displaying the program titles in bounded display areas resembling a three-dimensional stack of file tabs whose contents are displayed when the viewer manipulates the stack. U.S. Patent No. 6,522,342 to Gagnon discloses

Art Unit: 2614

an EPG where file tabs are present, as illustrated in Figure 12. However, Gagnon's file tabs are used to aid the user in selecting different categories of actions (e.g., Messages, Schedules, Settings). The program titles are still displayed in a standard two-dimensional grid format, and there is no teaching or implication to display them as file tabs. Therefore, the references fail to teach or disclose that which is noted above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop ____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit: 2614

Please address mail to be delivered by other delivery services
(Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator,
etc.) as follows:


U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop ____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Or faxed to: (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoyer
September 22, 2004


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600